IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4959 OF 2004
IN
CRIMINAL APPEAL NO.1077 OF 2003

Shri Subash M. Bandiwadekar ...Appellant.

V/s

Kuber Builder & Ors. ...Respondents.

And

Dattatray Keshav Joshi & Ors. ...Intervenors

Mr. Siddharth Tayade for the appellant.

Mr. D.P. Adsule, APP for the State.

Mr. Kirit J. Hakam with Ms. Sarika Mehra for the Intervenors.

CORAM: V.M.KANADE,J.

DATE: 13th January, 2005

P.C.

1. Heard the learned Counsel appearing on behalf of the appellant.

2. Appellant is challenging the Order passed by the Special Judge in MPID Special Case No. 7 of 2000. Appellant had preferred an application before the Special Judge MPID Court seeking a direction that the amounts which were payable to him pursuant to the award passed by the Consumer Redressal Court, Thane, may be paid expeditiously. The Trial Court rejected the said application and against the said order present appeal has been preferred by the appellant.

3. It is submitted that the appellant is a senior citizen and an award has been passed in his favour by the Consumer Court and, therefore, preference should be given to him over the other claimants who have filed their claims before the Special Judge. It is not possible to accept this submission and it is an admitted position that the provisions of MPID Act have an overriding effect over the other Acts. Therefore, it is not possible to give preference to the claim made by the appellant. However, the Special Judge is directed to decide and dispose of the Special Case as expeditiously as possible and, in any case, within a period of four months. Records and proceedings to be returned to the Trial Court.

4. All concerned to act on the authenticated copy of this order supplied by the registry.

V.M. KANADE, J.